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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,130	01/29/2002	Hironori Katou	020087	3477
23850	7590	04/16/2004	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			CHAN, WING F	
1725 K STREET, NW			ART UNIT	
SUITE 1000			PAPER NUMBER	
WASHINGTON, DC 20006			2643	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,130

Applicant(s)

KATOU ET AL.

Examiner

Wing F. Chan

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This office action is in response to the amendment filed 3/9/04. As directed by the amendment, claims 1-10, 12, 13 were amended, claim 14 was canceled, new claims 15-17 were added. Thus, claims 1-13, 15-17 are presently pending in this application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 4, 5, 7, 10, 15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Fujino et al (US PAT. NO. 6,691,023 with an effective filing date of 5/25/00, hereinafter Fujino '023).

Fujino '023 discloses a machine remote monitoring system for a mobile station via a mobile communication apparatus as claimed. Note all figures, col. 10 line 22 to col. 24 line 7 for example.

4. Claims 1, 2, 5, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al (US PAT. NO. 6,330,499 filed 7/21/99, hereinafter Chou).

Regarding claims 1, 2, Chou discloses a machine remote monitoring system (e.g. Figs. 1-5) comprising: means for determining identification information of a mobile call station in response to an incoming call (e.g. col. 2 lines 30-37) from a mobile communication apparatus (note e.g. cell phone 102 in Fig. 3); communication means (e.g. receiver 201 at remote service center) which starts communication with the call station when the determining means makes a decision such that a call comes from a

previously registered mobile call station; means for confirming an operating condition of machine connected with the call station based on the condition data transmitted from the call station in the communication (e.g. abstract; col. 2 lines 30-37; col. 4 line 1 to col. 10 line 11, in which the central station processes the received data perform diagnostics); and information providing means for giving an information to a predetermined location (e.g. call center system 202, col.6 lines 15-22) that a failure occurs to when the condition data is not a predetermined normal value or predetermined data showing an occurrence of failure. Note entire patent.

Regarding claim 5, note that in Chou the identification information such as VIN, which is allocated to the mobile managed machine is used to gain access to the remote monitoring apparatus.

Regarding claim 10, note that the predetermined destination is at least one of a user of the machine or a maintenance staff, e.g. see col. 5 lines 15-25; col. 9 lines 51-59.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou.

Regarding claim 11, although Chou differs from the claimed invention in not disclosing access is possible from any one of the maintenance staff and the user with previously allocated identification information. However, to modify Chou to allow authorized personnel such as any one of the maintenance staff and the user with previously allocated identification information to view the history data would have been obvious to one of ordinary skill in the art at the time the invention was made such that

the problem is corrected diagnosed and to prevent the same problem occurring in future products by the maintenance staff and that the user is able to view a history of what is wrong with his mobile station.

6. Claims 3, 6, 12, 13, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Ogushi et al (US PAT. NO. 6,385,497 filed 7/29/1997 hereinafter Ogushi).

Regarding claims 3, 6, note that Chou Figs. 1, 3-5 which shows the system is connected to a network comprising a server 201, database 203 and is connected to the data repository via a LAN. It is notoriously old and well known in the art and common practice to download an programs, and operation guide using hyperlink function when troubleshooting for problems, for example see Ogushi col. 5 line 64 to col. 6 line 3. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chou to download the predetermined diagnostic program from the server to the diagnostic engine to ensure that the program is the most current and up to date, and be able to service a plurality of remote controlled machine simultaneously.

Regarding claims 12, 16, note that Chou lacks additional display screens relating to maintenance parts required for taking suitable measures to the cause of failure, and an order screen for ordering the maintenance parts, and the order screen is operated so as to order the maintenance parts to a provider or maker included in the network. However, it is old and well known in the art to provide additional display screens relating

to maintenance and diagnostics, for example see Ogushi Figs. 5, to visually display all related information to a maintenance staff. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chou to comprise additional display screens related to the diagnostic results, troubleshooting procedure, and it would have been further obvious to one of ordinary skill in the art at the time the invention was made to comprise order screen for ordering the maintenance parts, and the order screen is operated so as to order the maintenance parts to a provider or maker included in the network in order to efficiently and effectively speed up the repair process once the defective part is diagnosed.

Regarding claims 13, 17, the above discussion of claims 12, 16 also applies to claims 13, 17. In addition, Ogushi Fig. 5 also shows the display includes links to other databases (410-412), where the operation guide reads on the instruction screen, and it would have been further obvious and logical to also provide a screen providing information about cost of maintenance such that the remote user/owner is aware of the cost prior to making a repair and decide if a repair is worthwhile or not.

7. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Sawada et al (US PAT. NO. 5,835,816 hereinafter Sawada).

Chou differs from the claimed invention in not disclosing storing data at the server as history data together with condition data. However, it is old and well known in the art to store incoming condition data as history data together with condition data for future references, for example see Sawada col. 6 line 57 to col. 7, line 12. Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chou to store data at the server as history data together with the condition data for future references and help in determining the severity of the problem and to collect data to prevent same problem occurring in future products.

8. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Johannsen.

Regarding claims 8, 9, note that as shown in Johannsen Figs. 5a-f, other condition data such as usage information, usage pattern, are also received at the remote computer 26, thus to modify Chou to transmit the condition data every predetermined time and whenever a failure is detected or at one of these occasions, or at start up, would have been obvious to one of ordinary skill in the art at the time the invention was made such that condition data are sent from the monitored machine on a periodic basis, e.g. at a set time such as once a work or during start up operation, in addition when failure is detected to provide a well kept history of the operating parameters of the monitored device.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou and Ogushi as applied to claim 6 above, and further in view of Sawada et al (US PAT. NO. 5,835,816 hereinafter Sawada).

Chou and Ogushi differ from the claimed invention in not disclosing storing data at the server as history data together with condition data. However, it is old and well

known in the art to store incoming condition data as history data together with condition data for future references, for example see Sawada col. 6 line 57 to col. 7, line 12. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chou and Ogushi to store data at the server as history data together with the condition data for future references and help in determining the severity of the problem and to collect data to prevent same problem occurring in future products.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino '023.

Regarding claim 11, although Fujino '023 differs from the claimed invention in not disclosing access is possible from any one of the maintenance staff and the user with previously allocated identification information. However, to modify Fujino '023 to allow authorized personnel such as any one of the maintenance staff and the user with previously allocated identification information to view the history data would have been obvious to one of ordinary skill in the art at the time the invention was made such that the problem is corrected diagnosed and to prevent the same problem occurring in future products by the maintenance staff and that the user is able to view a history of what is wrong with his mobile station.

11. Claims 3, 6, 12, 13, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino '023 in view of Ogushi et al (US PAT. NO. 6,385,497 filed 7/29/1997 hereinafter Ogushi).

Regarding claims 3, 6, it is notoriously old and well known in the art and common practice to download an programs, and operation guide using hyperlink function when troubleshooting for problems, for example see Ogushi col. 5 line 64 to col. 6 line 3. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujino '023 to download the predetermined diagnostic program from the server to the diagnostic engine to ensure that the program is the most current and up to date, and be able to service a plurality of remote controlled machine simultaneously.

Regarding claims 12, 16, note that Fujino '023 lacks additional display screens relating to maintenance parts required for taking suitable measures to the cause of failure, and an order screen for ordering the maintenance parts, and the order screen is operated so as to order the maintenance parts to a provider or maker included in the network. However, it is old and well known in the art to provide additional display screens relating to maintenance and diagnostics, for example see Ogushi Figs. 5, to visually display all related information to a maintenance staff. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujino '023 to comprise additional display screens related to the diagnostic results, troubleshooting procedure, and it would have been further obvious to one of ordinary skill in the art at the time the invention was made to comprise order screen for ordering

the maintenance parts, and the order screen is operated so as to order the maintenance parts to a provider or maker included in the network in order to efficiently and effectively speed up the repair process once the defective part is diagnosed.

Regarding claims 13, 17, the above discussion of claims 12, 16 also applies to claims 13, 17. In addition, Ogushi Fig. 5 also shows the display includes links to other databases (410-412), where the operation guide reads on the instruction screen, and it would have been further obvious and logical to also provide a screen providing information about cost of maintenance such that the remote user/owner is aware of the cost prior to making a repair and decide if a repair is worthwhile or not.

12. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino '023 in view of Johannsen.

Regarding claims 8, 9, Fujino '023 in col. 13 line 24+ discloses periodic collection of data, and note that as shown in Johannsen Figs. 5a-f, other condition data such as usage information, usage pattern, are also received at the remote computer 26, thus to modify Fujino '023 to transmit the condition data every predetermined time and whenever a failure is detected or at one of these occasions, or at start up, would have been obvious to one of ordinary skill in the art at the time the invention was made such that condition data are sent from the monitored machine on a periodic basis, e.g. at a set time such as once a work or during start up operation, in addition when failure is detected to provide a well kept history of the operating parameters of the monitored device.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujino et al (US PAT. NO. 6,647,769, filed 10/25/00) discloses a failure diagnostic system for engine.

Fujino et al (US PAT. NO. 6,688,163, filed 12/21/00) discloses a diagnostic system for engine.

Nelson (US PAT. NO. 6,487,479 filed 1/7/00) discloses methods and system for aviation component repair services.

Colson et al (US PAT. NO. 6,181,994) discloses a method and system for vehicle initiated delivery of advanced diagnostics based on the determined need by vehicle.

Wahlquist et al (US PAT. NO. 5,367,667) discloses a system for performing remote computer system diagnostic tests.

14. Applicant's arguments with respect to claims 1-13, 15-17 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner W. F. Chan** whose telephone number is 703-305-4732.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached at 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-305-3900.



WING F. CHAN
SENIOR PRIMARY EXAMINER
TECHNOLOGY CENTER 2600

WFC
4/15/04